

Nos. 14-1681, -1707

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

**COGNEX CORPORATION and
COGNEX TECHNOLOGY & INVESTMENT LLC,**

Plaintiffs-Cross-Appellants,

v.

MICROSCAN SYSTEMS INC. and CODE CORPORATION,

Defendants-Appellants.

Appeal from the United States District Court for the Southern District of
New York, case no. 1:13-cv-02027-JSR, Judge Jed S. Rakoff

**UNOPPOSED MOTION FOR FURTHER EXTENSION OF TIME
TO FILE APPELLANTS' OPENING BRIEF**

Pursuant to Rule 26(b) of the Federal Circuit Rules, appellants Microscan Systems, Inc. and The Code Corporation (collectively, "Microscan") respectfully move for a 30-day extension of time to file the opening brief for appellants. Microscan's opening brief currently is due on Thursday, November 13, 2014. A 30-day extension of time would make the brief due on Monday, December 15, 2014 by operation of Rule 26(a)(1)(C) of the Federal Rules of Appellate Procedure.

This is the second request for an extension of time to file the opening brief for appellants. Counsel previously requested, and this Court granted, a 30-day extension of time. Counsel for cross-appellants has indicated that cross-appellants do not oppose the requested extension.

As set forth in the declaration of Deanne E. Maynard, good cause exists for the requested extension. Counsel has several other matters pending in this Court, the Supreme Court, and other federal courts of appeals. Counsel will present oral argument in this Court on November 6, 2014 in *InSite Vision Incorporated v. Sandoz, Inc.*, No. 14-1065 (Fed. Cir.). Counsel also have a reply brief for appellants due on November 13, 2014 in *Momenta Pharmaceuticals, Inc. v. Teva Pharmaceuticals USA, Inc.*, Nos. 14-1274, -1277 (Fed. Cir.), a reply brief for appellants due on November 13, 2014 in *Momenta Pharmaceuticals, Inc. v. Amphastar Pharmaceuticals, Inc.*, Nos. 14-1276, -1278 (Fed. Cir.), an opening brief for appellant due on November 14, 2014 in *Nuance Communications v. ABBYY USA Software House*, Nos. 14-1629, -1630 (Fed. Cir.), and a petition for rehearing due on November 14, 2014 in *Hitachi Consumer Electronics v. Top Victory Electronics*, No. 14-1047 (Fed. Cir.). Further, counsel recently filed an opening brief for appellant on October 14, 2014 in *City of Santa Monica v. United States*, No. 14-55583 (9th Cir.).

For the foregoing reasons, Microscan respectfully requests that the Court grant an extension of time, to and including December 15, 2014, in which to file the opening brief for appellants.

Respectfully submitted,

Dated: October 31, 2014

/s/ Deanne E. Maynard
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MICROSCAN SYSTEMS INC. and CODE CORPORATION,

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**DECLARATION OF DEANNE E. MAYNARD IN SUPPORT OF
UNOPPOSED MOTION FOR FURTHER EXTENSION OF TIME
TO FILE APPELLANTS' OPENING BRIEF**

I, Deanne E. Maynard, hereby declare under penalty of perjury pursuant to
28 U.S.C. § 1746:

1. I am an attorney duly licensed to practice law in the District of
Columbia and the Commonwealth of Virginia, and I am admitted to practice before
this Court. I am a Partner with the law firm of Morrison & Foerster LLP, and
counsel of record for appellants Microscan Systems, Inc. and The Code
Corporation (collectively, "Microscan") in this action. I make this declaration in

support of Microscan's motion for an extension of time to file the opening brief for appellants.

2. Microscan respectfully requests a 30-day extension of time to file the opening brief for appellants. Microscan's opening brief currently is due on Thursday, November 13, 2014. A 30-day extension of time would make the brief due on Monday, December 15, 2014 by operation of Rule 26(a)(1)(C) of the Federal Rules of Appellate Procedure. This is the second request for an extension of time to file the opening brief for appellants. Counsel previously requested, and this Court granted, a 30-day extension of time.

3. Counsel has several other matters pending in this Court, the Supreme Court, and other federal courts of appeals. Counsel will present oral argument in this Court on November 6, 2014 in *InSite Vision Incorporated v. Sandoz, Inc.*, No. 14-1065 (Fed. Cir.). Counsel also have a reply brief for appellants due on November 13, 2014 in *Momenta Pharmaceuticals, Inc. v. Teva Pharmaceuticals USA, Inc.*, Nos. 14-1274, -1277 (Fed. Cir.), a reply brief for appellants due on November 13, 2014 in *Momenta Pharmaceuticals, Inc. v. Amphastar Pharmaceuticals, Inc.*, Nos. 14-1276, -1278 (Fed. Cir.), an opening brief for appellant due on November 14, 2014 in *Nuance Communications v. ABBYY USA Software House*, Nos. 14-1629, -1630 (Fed. Cir.), and a petition for rehearing due on November 14, 2014 in *Hitachi Consumer Electronics v. Top Victory*

Electronics, No. 14-1047 (Fed. Cir.). Further, counsel recently filed an opening brief for appellant on October 14, 2014 in *City of Santa Monica v. United States*, No. 14-55583 (9th Cir.).

4. Counsel for cross-appellants informed counsel for Microscan that cross-appellants do not oppose the requested extension.

Executed on this 31st day of October, 2014, in Washington, District of Columbia.

/s/ Deanne E. Maynard
Deanne E. Maynard

CERTIFICATE OF INTEREST

Counsel for defendants-appellants Microscan Systems, Inc. and The Code Corporation certifies the following:

1. The full name of every party or amicus represented by me is:

Microscan Systems, Inc. and The Code Corporation

2. The name of the real party in interest (if the party named in the caption is not the real party in interest) represented by me is:

N/A

3. All parent corporations and any publicly held companies that own 10% or more of the stock of the party or amicus curiae represented by me are:

Microscan Systems, Inc.: Spectris plc, Spectris Group Holdings Limited, Spectris US Holdings Limited, Spectris Holdings Inc., Spectris UK, Spectris Inc.
The Code Corporation: N/A

4. The names of all law firms and the partners or associates that appeared for the party or amicus now represented by me in the trial court or are expected to appear in this court are:

MCANDREWS, HELD, & MALLOY, LTD.: Eligio C. Pimentel, Stephen M. Wurth*,
Steven J. Hampton
MORRISON & FOERSTER LLP: Brian R. Matsui, David D. Scannell, Deanne E.
Maynard, Jessica E. Palmer, Kyle W. Mooney
SIDLEY AUSTIN LLP: Colin J. Garry

* *No longer with firm*

Dated: October 31, 2014

/s/ Deanne E. Maynard
Deanne E. Maynard

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Federal Circuit by using the appellate CM/ECF system on October 31, 2014.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Dated: October 31, 2014

/s/ Deanne E. Maynard
Deanne E. Maynard